

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREEDOM FROM RELIGION
FOUNDATION, INC.,
STEPHEN MEHOLIC, DAVID SIMPSON,
JOHN BERRY, AND CANDACE WINKLER,

Plaintiffs,

vs.

THE COUNTY OF LEHIGH,

Defendant.

CIVIL ACTION NO.: 5:16-cv-04504

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

AND NOW come Plaintiffs, Freedom From Religion Foundation, Stephen Meholic, David Simpson, John Berry, and Candace Winkler, who, pursuant to Rule 56 of the Federal Rules of Civil Procedure, file this Motion for Summary Judgment.

1. There are no genuine issues of material facts that remain to be litigated on Plaintiffs' claims that the County Seal of Defendant Lehigh County violates the Establishment Clause of the First Amendment and the constitutional rights of the Plaintiffs.

2. Plaintiffs incorporate their Concise Statement of Material Facts filed contemporaneously with this Motion.

3. Based upon the undisputed facts set forth in Plaintiffs' Concise Statement and for the reasons set forth more fully in Plaintiff's Brief in Support of this Motion for Summary Judgment, the Court should award all relief requested by Plaintiffs in their Complaint.

4. Plaintiffs have standing to all of their claims for relief because they have and will continue to suffer from concrete injuries-in-fact in the form of direct, unwelcome contact with the Lehigh County Seal.

5. Lehigh County's adoption, retention, and continued display of its County Seal, which features a large Latin cross at the center of the Seal, violates the Establishment Clause of the First Amendment because the County displays the Latin cross for the purposes of endorsing and promoting Christianity and because the Latin cross has the overwhelming effect of endorsing the Christian religion.

6. Because of this purpose and effect, the County Seal does not pass constitutional muster under the Establishment Clause tests applied in the Third Circuit.

7. The Plaintiffs respectfully urge this Court to join the majority of other federal courts that have reviewed similar municipal seals by declaring the Lehigh County Seal unconstitutional, permanently enjoining Lehigh County's continued use of the Seal, and awarding nominal damages to Plaintiffs.

WHEREFORE, Plaintiffs respectfully request the Court grant the aforesaid relief.

Respectfully submitted,

/s/ Marcus B. Schneider, Esquire

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2017, the foregoing **PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic case filing system and constitutes service of this filing under Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

/s/ Marcus B. Schneider, Esquire
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